

**REMARKS**

Applicant respectfully requests favorable reconsideration in view of the foregoing amendments and the following remarks.

In response to the Office Action, Applicant cancelled claim 1. Applicant further amended claims 2-30. Claim 31 is newly presented and is the independent system claim. No new matter has been added. Therefore, claims 2-30 stand rejected. This rejection is respectfully traversed.

**35 U.S.C. §102 Rejection**

Claims 1-8, 13 and 28 were rejected under 35 U.S.C. §102(e) as being anticipated by Sayyah, U.S Patent Number 7,142,348 (hereinafter: "Sayyah").

In response to the Office Action, Applicant cancelled claims 1, rendering moot the Office's rejections relating to this claim.

Applicant now presents newly drafted independent claim 31. Claim 31 includes *inter alia* a multi directional optical communication system a transceiver unit and a plurality of retromodulator units. The disclosed transceiver unit comprises a plurality of segments, each segment exhibiting a transceiver arranged to transmit a diffused radiant energy beam in a unique spatial angle and receive in turn a retroflected energy beam in said spatial angle. Further, the segments are positioned such that each segment is arranged to cover a predefined sub space. In addition, the plurality of segments exhibit a combined coverage space enabling optical communication between the transceiver unit and each one of retromodulator units in any spatial angle within the combined coverage space. In addition, each one of the plurality of retromodulator units, responsive to a radiant energy beam in a specific spatial angle from the transceiver unit, is arranged to reflect back in said spatial angle a modulated radiant energy beam, the modulation being in accordance with data originated by a data source operatively associated with the retromodulator unit. Limitations of newly drafted claim 31 are supported by the original description ( e.g., in paragraph 83).

Sayyah teaches a pixellated and conformal modulated-retro-reflective devices, including modulated corner-cube devices as well as modulated cat's eye devices. Instead of a single, large-area modulator, the modulator consists of an array of individual "pixels," which can be independently controlled or modulated. The array need not be planar and preferably can be formed to any shape as required by the optical design of the specific device structure. (paragraph 24).

Applicant submits that in Sayyah, the retromodulator is provided with an array of individual modulating units. Conversely, according to the present invention the transceiver is provided with a plurality of segments whereas the retromodulator according to some embodiments comprises a single retromodulating unit. Specifically, the present invention disclose a communication system in which the transceiver comprises a plurality of segments each covering a sub space such that the combined coverage space enables direct communication between the transceiver and each of the plurality of retromodulators within the coverage space.

Applicant submits that new claim 31, reciting that the transceiver rather than the retromodulator comprises a plurality of segments is structurally distinguishable from the prior art in accordance with MPEP 2114. The newly drafted claim points out this distinction clearly. Therefore, newly drafted claim 31 is novel and patentably defines over Sayyah.

Applicant submits that claims 2-8 and 13 all depend on newly drafted claim 23 and are therefore novel over Sayyah by virtue of their dependencies.

Regarding claim 28, Applicant submits that the aforementioned arguments are applicable to claim 28 as amended since claim 28 is the method claim embodiment of newly drafted claim 31. Specifically, claim 28 as amended teaches *inter alia* providing a transceiver unit comprising a plurality of segments, each segment exhibiting a transceiver. As argued above, Sayyah does not teach a transceiver units with a plurality of segments each comprising a transceiver, but rather, a retromodulator having plurality of functional units. Therefore, claim 28 as amended is also novel and patentably defines over Sayyah.

35 U.S.C. §103 Rejection

Claims 9-11, 29 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sayyah in view of Chan, U.S. Patent No. 6,504,634 (hereinafter: "Chan").

Regarding claims 9-11, Applicant submits that claims 9-11 as amended and by virtue of their dependency on newly presented claim 31 now recite *inter alia* the limitations of the transceiver unit being comprised of a plurality of segments, each segment exhibiting a transceiver arranged to transmit a diffused radiant energy beam in a unique spatial angle and receive in turn a retroflected energy beam in said spatial angle. Further, the segments are positioned such that each segment is arranged to cover a predefined sub space. In addition, the plurality of segments exhibit a combined coverage space enabling optical communication between the transceiver unit and each one of retromodulator units in any spatial angle within the combined coverage space. Applicant submits that these limitations are found nowhere in any combination of Sayyah and Chan. Therefore, Applicant respectfully submits that the rejection to claims 9-11, should be withdrawn.

Notwithstanding the above, and further regarding claims 29, 30 as well as claims 9-11, Applicant submits that while claims 9-11, 29 and 30 of the present invention, as amended, teach a limitation aimed at reducing power consumption in a communication system, Chan teaches using variable radiation level in order to meet eye safety requirements (column 31, lines 29-30).

Applicant respectfully submits that it would not have been obvious at the time the invention was made to combine Sayyah with Chan in order to achieve reduction in power consumption in idle mode of operation (when no communication is taking place) since there is no motivation to combine a reference relating addressing eye safety requirements in order to achieve reducing power consumption in a communication system. Therefore, Applicant respectfully submits that the rejection to claims 9-11, 29 and 30 should be withdrawn.

In view of the foregoing, Applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicant believes that the present Amendment is responsive to each of the points raised by

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Application No.: 10/598,910  
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the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

Applicant submits that this Amendment places this application in condition for allowance by amending claims in manners that are believed to render all pending claims allowable over the cited art and/or at least place this application in better form for appeal. This Amendment was not earlier presented because Applicant believed that the prior response placed this application in condition for allowance, for at least the reasons discussed in that response. Accordingly, entry of the present Amendment, as an earnest attempt to advance prosecution and/or to reduce the number of issues, is requested under 37 C.F.R. §1.116.

There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

Petition for extension is herewith made. The extension fee for response within a period of three months pursuant to Section 1.136(a) for a small entity is enclosed herewith. Please charge any other fees (or credit any overpayment of fees) to the Deposit Account of the undersigned, Account No. 500601 (Docket No. 7044-X06-025).

Respectfully submitted,  
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Paul D. Bianco, Reg. # 43,500

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